United Nations A/63/154

General Assembly

Distr.: General
21 July 2008

Original: English

Sixty-third session
Items 81 and 121 of the provisional agenda*

The rule of law at the national and international levels

Programme budget for the biennium 2008-2009

Revised estimates relating to the programme budget for the biennium 2008-2009 related to the Rule of Law Unit

Report of the Secretary-General

Summary

The present report is submitted pursuant to paragraph 4 of General Assembly resolution 62/70. It describes the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General. Should the General Assembly agree with the proposal to provide resources to support the Unit on an ongoing basis, additional resources in the amount of $953,800 for the Rule of Law Unit would be required under the programme budget for the biennium 2008-2009.

* A/63/150.

08-43199 (E) 130808

Contents

		Paragraphs	Page
I.	Overview	1–2	3
	A. Establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit	3–8	3
	B. Rationale for the Rule of Law Unit	9–13	4
	C. Functions of the Rule of Law Unit	14	5
II.	Resource requirements of the Rule of Law Unit	15–19	7
III.	Extrabudgetary resources	20–22	8
IV.	Actions required of the General Assembly	23	9
Annex			
	Functions of the new posts proposed for establishment for the Rule of Law Unit		10

I. Overview

1. The present report is submitted pursuant to paragraph 4 of General Assembly resolution 62/70, which reads:

> "*Notes with appreciation* the report of the Secretary-General entitled 'Uniting our strengths: enhancing United Nations support for the rule of law', supports the Rule of Law Coordination and Resource Group, supported by the rule of law unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General, and requests the Secretary-General to provide details on the staffing and other requirements for the unit without delay to the General Assembly for its consideration during the sixty-second session in accordance with existing relevant procedures".

2. In response to the above request, the present report describes: the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit; the rationale for the Unit; the functions of the Unit; and the staffing and other resource requirements for the Unit. The delay in the issuance of the present report was due to extensive consultations with the members of the Group.

A. Establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit

3. At the 2005 World Summit, Member States called for a renewed effort to strengthen United Nations activities to promote the rule of law. In paragraph 134 (e) of the 2005 World Summit Outcome (General Assembly resolution 60/1), the General Assembly supported "the idea of establishing a rule of law assistance unit within the Secretariat, in accordance with existing relevant procedures, subject to a report by the Secretary-General to the General Assembly, so as to strengthen United Nations activities to promote the rule of law, including through technical assistance and capacity-building".

4. In paragraph 4 of its resolution 61/39 on the rule of law at the national and international levels, the General Assembly urged the Secretary-General, as a matter of priority, to submit the report on the establishment of a rule of law assistance unit within the Secretariat, in conformity with paragraph 134 (e) of the 2005 World Summit Outcome.

5. Pursuant to the resolutions referred to above, the Secretary-General issued a report entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636 and Corr.1-S/2006/980 and Corr.1), wherein he informed the General Assembly of his decision to create the Rule of Law Coordination and Resource Group, consisting of key United Nations departments, agencies, funds and programmes, chaired by the Deputy Secretary-General and supported by a small substantive unit. The report also reflected the Secretary-General's decision to designate lead United Nations entities in many rule of law categories (ibid., paras. 44 and 45).

6. Paragraph 4 of resolution 62/70 reaffirmed the support of Member States for the establishment of the Group and of the Unit in the Executive Office of the Secretary-General, under the leadership of the Deputy Secretary-General.

7. The Group was established to act as the focal point at Headquarters for coordination of system-wide attention on the rule of law so as to ensure quality, policy coherence and coordination. As such, the Group is an inter-agency mechanism consisting of the principals of the Department of Political Affairs, the Department of Peacekeeping Operations, the Office of the High Commissioner for Human Rights, the Office of Legal Affairs, the United Nations Development Programme, the United Nations Children's Fund, the United Nations Development Fund for Women, the United Nations High Commissioner for Refugees and the United Nations Office on Drugs and Crime. It meets periodically to share information, coordinate activities and make decisions with respect to the tasks set out in the Secretary-General's report (ibid., para. 48).

8. The Unit has been established to support the Group and the Deputy Secretary-General as chair of the Group in carrying out and implementing the above-mentioned tasks. The functions of the Unit therefore fall into three broad areas of activity: ensuring coordination and coherence among the United Nations departments, agencies, funds and programmes engaged in rule of law activities; developing system-wide strategies, policy direction and guidance for the Organization's activities in promoting the rule of law; and enhancing partnerships between the United Nations and the many other actors engaged in rule of law activities. Operational roles within the three main areas of rule of law activities remain with the various departments, agencies, funds and programmes. These areas consist of the rule of law at the international level, the rule of law in the context of conflict and post-conflict situations, and the rule of law in the context of long-term development.

B. Rationale for the Rule of Law Unit

9. The dispersal of various rule of law entities across the United Nations system has made it difficult for the Organization to act and deliver in a coordinated manner. Furthermore, these capacities are limited in scope despite the vast range of activities and practical experience the Organization has gained. The ability of the Organization to reliably draw upon or improve its knowledge base has been insufficient, and the present limited capacity to retain meaningful institutional memory needs to be improved. Cooperation among the various entities has been limited, and joint assessments, planning and programming in the rule of law are not systematically carried out. As a result, rule of law activities are sometimes duplicative, segmented or ad hoc. This ad hoc and "stove-piped" approach to United Nations rule of law assistance means that the United Nations system does not have a strategy, a coherent approach or priorities for rule of law assistance, and that the assistance provided can be inefficient and ineffective.

10. The various United Nations departments, agencies, funds and programmes conduct rule of law activities in the context of their respective mandates, and cover specific aspects and areas of the rule of law. Consequently, the full range of rule of law issues can be addressed only collectively by the United Nations system, and not by an individual department, agency, fund or programme. Despite this, the United Nations has not had a mechanism to support coordination within the United Nations system, and to facilitate the development of guidance, best practices and information management systems that ensure that the United Nations system

responds in a coherent manner to requests from Member States and/or mandates from the Security Council in the area of the rule of law.

11. The Deputy Secretary-General, as Chair of the Group, has been designated the United Nations system coordinator for the rule of law. Under the leadership of the Deputy Secretary-General, the Unit provides a central address for the rule of law and helps to strengthen and rationalize United Nations rule of law capacities among the various departments, agencies, funds and programmes by serving as the Headquarters focal point for coordinating system-wide attention to the rule of law so as to ensure greater quality and harmonization of approaches. In support of the Group, the Unit will identify areas of synergy, and facilitate collaboration and coordination among the various United Nations departments, agencies, funds and programmes, as well as with external partners, to improve the quality of the rule of law assistance the Organization provides to Member States at their request. The Unit's role is unique because, unlike the various United Nations entities engaged in the rule of law across the system, it supports coherence and coordination of rule of law efforts across the entire spectrum of United Nations assistance — in conflict prevention, peacemaking, peacekeeping, peacebuilding, and long-term development — and at both the national and international levels.

12. The Unit fills the critical gap in ensuring that the United Nations system collectively addresses rule of law issues in the most strategic, efficient and effective manner possible. This involves capturing the wealth of experience and knowledge gained in the past 20 years across the United Nations system and assisting the Organization to apply those lessons to define appropriate joint rule of law strategies at the country level based on the thorough understanding of a country's rule of law needs and challenges (within its particular political, economic and social context). To this end, the Unit will help to ensure that the United Nations assists national stakeholders to develop their own national strategies, priorities and plans that will inform the development of joint United Nations rule of law programmes in support of these efforts with clear implementation arrangements vis-à-vis roles and responsibilities among the various United Nations departments, agencies, funds and programmes.

13. The Unit will assist in streamlining the work of various United Nations departments, agencies, funds and programmes at the global level by establishing mechanisms that minimize duplication and promote synergy in the development of policy and guidance materials, as well as the implementation of training and other global activities. By reducing duplication and overlaps in the Organization's rule of law activities, the Unit will be in a position to assist the Group to pool and maximize effective use of resources that will result in significant overall efficiency in the United Nations work in the area of rule of law.

C. Functions of the Rule of Law Unit

14. The functions of the Unit set out below support the Deputy Secretary-General as Chair and the Group in achieving the Group's tasks as outlined in paragraph 48 of the Secretary-General's report entitled "Uniting our strengths: Enhancing United Nations support for the rule of law" (A/61/636 and Corr.1-S/2006/980 and Corr.1):

(a) *Coordinating United Nations rule of law assistance*. The Unit will focus on overall coordination and support entities in performing their responsibilities in an

effective and efficient manner as required. The Unit will work with the United Nations system and other partners to examine existing strategic frameworks and programmes to minimize overlap and duplication; support the development of a shared United Nations vision for rule of law assistance, joint strategies and workplans; assist in the identification of gaps in United Nations rule of law capacities and strategies in order to fill them; participate in inter-agency and integrated mission planning processes as needed; liaise with key departments, agencies, funds and programmes; and interact with United Nations system coordination mechanisms in order to further integrate, coordinate and improve the quality of rule of law activities. The Unit will act as a convener, working with the various departments, agencies, funds and programmes, to ensure the development of coherent and integrated rule of law programmes in support of national strategies, priorities and plans, and support the development of joint United Nations plans for the implementation of these programmes with clear division of labour and responsibilities among the various United Nations entities. The Unit will serve as a convening mechanism for United Nations constitutional assistance issues, capable of drawing on existing resources from within and outside the United Nations system, as well as mobilizing and coordinating the provision of appropriate expertise and resources to support constitution-making processes when requested by national and transitional authorities. Furthermore, the Unit will regularly convene all United Nations rule of law entities at the expert level to discuss rule of law developments and efforts, and to share information. The Unit will also serve as secretariat to the Group, including supporting the Deputy Secretary-General in her role as Chair of the Group. In this regard, the Unit will develop the Group's agenda, and provide substantive background information, analyses, and policy papers to inform the work of the Group (ibid., paras. 48 (a), (d), (f) and (g)).

(b) *Developing United Nations system-wide strategies, policy direction and guidance*. The Unit, in conjunction with relevant United Nations entities, will assist in the development of overall cross-cutting guidance for rule of law assistance; serve as a resource for the Peacebuilding Commission and Peacebuilding Support Office on rule of law issues, as well as other intergovernmental bodies; draft Secretary-General reports on strengthening and coordinating United Nations rule of law activities for intergovernmental bodies as required; develop guidance notes on key cross-cutting thematic rule of law issues, as well as constitutional assistance; develop policy papers and commission research on cross-cutting rule of law issues; support capacity-building to implement policies and guidance; and gather and analyse information relating to the availability of funding for rule of law activities. The Unit will also support the promotion of the rule of law in international relations. The Unit, in consultation with other departments, agencies, funds and programmes, will also compile best practices in the rule of law across the United Nations system, and create a system for collecting, housing and sharing best practices with all partners. It will also act as a repository for United Nations system rule of law materials, including the identification and endorsement of core rule of law materials (ibid., paras. 48 (b), (c), (e), (h) and (k)).

(c) *Enhancing partnerships within the United Nations system and external actors on rule of law assistance*. The Unit will facilitate the establishment of effective and strategic partnerships within the United Nations system among the relevant United Nations rule of law entities, and with other actors, such as bilateral, non-governmental organizations and institutes, in order to tap into their expertise,

including through support to the development of rosters, and to encourage them to apply United Nations standards and rights-sensitive approaches. Furthermore, the Unit will help ensure that the United Nations responds effectively and coherently to requests from Member States for assistance, facilitating contact between United Nations entities involved in rule of law programming and Member States, regional and intergovernmental organizations, donors and non-governmental organizations, and to assist in mobilizing resources (ibid., paras. 48 (i), (j) and (l)).

II. Resource requirements of the Rule of Law Unit

15. In early 2007, the Secretary-General constituted the Unit to be comprised "of up to four Professional staff, to be seconded from key United Nations actors during the initial phase" (A/61/636 and Corr.1-S/2006/980 and Corr.1, para. 49). Accordingly, four staff members in the Professional category were made available to the Unit from the United Nations Development Programme (1 D-2 and 1 P-3), the Department of Peacekeeping Operations (1 P-4), and the Office of Legal Affairs (1 P-5). During 2007, it was envisioned that this arrangement would continue to be the basis for the long-term operation of the Unit, supplemented by extrabudgetary resources. However, the departments and agency providing the staff made it clear that the arrangement is not open-ended, but rather was intended to bridge the gap between consideration of the present report and decision of further arrangements by Member States, and that they would not be able to continue funding this arrangement beyond 31 December 2008.

16. Based on the experience gained during this initial period, it has been determined that the staffing complement of four posts would not be adequate for the long-term effective functioning of the Unit. The Secretary-General is of the view that in order for the Unit to function effectively, seven posts (1 D-2, 1 P-5, 2 P-4, 1 P-3 and 2 General Service (Other level)) would need to be established effective 1 January 2009 for the Rule of Law Unit, for which additional resources in the amount of $588,700 would be required. The functions of the posts are described in the annex to the present report.

17. In addition to the post resources, the Unit would require general temporary assistance resources in the amount of $35,000, representing six months at the General Service level to meet peak workloads, as well as operational costs in the amount of $330,100 for office accommodation, commercial communications, supplies, furniture and equipment related to the establishment of the seven posts.

18. Accordingly, should the Assembly agree with the proposed arrangements for the Unit, additional resources in the amount of $953,800 would be required in accordance with the provisions governing the contingency fund contained in General Assembly resolutions 41/213 and 42/211. In this regard, it is recalled that the Assembly, in its resolution 61/254, decided that the contingency fund for the biennium 2008-2009 should be set at $31.5 million. The balance of the contingency fund following decisions taken by the Assembly at the main part of its sixty-second session amounts to $12,191,000.

19. All new posts reflected in the present report are proposed to be effective 1 January 2009. As recommended by the Advisory Committee on Administrative and Budgetary Questions in paragraph 20 of its first report on the proposed programme budget for the biennium 2008-2009 (A/62/7 and Corr.1) that information

on the delayed impact of posts should be reflected in any new proposals, the Assembly may wish to note that the additional requirements for the full costing of the proposed seven new posts in the biennium 2010-2011 are currently estimated at $2,440,500 under section 1, Overall policymaking, direction and coordination ($2,100,100), and section 35, Staff assessment ($340,400) to be offset by an equivalent amount under Income section 1, Income from staff assessment.

III. Extrabudgetary resources

20. The Deputy Secretary-General requested voluntary contributions from Member States to fund activities of the Unit in August 2007, including, inter alia, the design of a United Nations system-wide rule of law website, development of a United Nations rule of law database as a repository for all materials, lessons learned and best practices, organization of workshops and seminars that bring together United Nations entities with a wide range of partners, including Member States, donors, academics, and non-governmental organizations.

21. The purpose of seeking voluntary contributions was to support key inputs necessary to implement activities that sought to enhance United Nations system coherence and coordination in the area of the rule of law. Given that it is critical for the Unit to fulfil its role in this start-up period, the Unit required immediate resources from which to draw upon and therefore voluntary contributions were sought.

22. To date, the Unit has received $364,790 from Austria, Finland, the Netherlands, New Zealand and Sweden for its activities, based on the above request. Pledges have been made by Belgium and the United Kingdom of Great Britain and Northern Ireland. The funds received to date are being used to support the Unit's activities and the estimated requirements by object of expenditure is provided in the table below.

Object of expenditure	*Estimated requirements for the biennium 2008-2009*
Other staff costs	100 000
Consultants and experts	95 900
Travel of representatives	15 800
Travel of staff	40 900
Contractual services	12 000
Supplies and materials	300
Total	**264 900**

IV. Actions required of the General Assembly

23. Should the General Assembly agree with the proposals contained in the present report to provide the necessary resources to support the Unit on an ongoing basis, it may wish to:

(a) Approve the establishment of seven new posts (1 D-2, 1 P-5, 2 P-4, 1 P-3 and 2 General Service (Other level)) for the Rule of Law Unit effective 1 January 2009 under the programme budget for the biennium 2008-2009;

(b) Appropriate a total amount of $953,800 under the programme budget for the biennium 2008-2009, comprising increases under section 1, Overall policymaking, direction and coordination ($665,000), section 28D, Office of Central Support Services ($288,800); as well as an increase under section 35, Staff assessment ($95,800), to be offset by a corresponding amount under Income section 1, Income from staff assessment. The provision would represent a charge against the contingency fund.

Annex

Functions of the new posts proposed for establishment for the Rule of Law Unit

1. **Director of the Rule of Law Unit (D-2):**

   (a) Ensure overall direction, resource mobilization and supervision of the work of the Unit;

   (b) Provide substantive advice to the Deputy Secretary-General (as Chair of the Rule of Law Coordination and Resource Group) on rule of law strategy, policy, coordination and building coherence in United Nations activities in this field, including by convening the Rule of Law Coordination and Resource Group;

   (c) Advise the Deputy Secretary-General in addressing complex rule of law policy questions as they arise and mediating disagreements among United Nations rule of law entities that cannot be solved at the sector or country level and, if necessary, presenting such disputes to the Secretary-General for decision;

   (d) Provide substantive advice to the Deputy Secretary-General and the Group on the development of overall strategies for rule of law assistance, and to the chairs of intergovernmental bodies, including the Peacebuilding Commission;

   (e) On behalf of the Deputy Secretary-General, liaise regularly with the principals of key United Nations entities dealing with rule of law issues, as well as with Member States or other stakeholders on United Nations rule of law strategies and coordination;

   (f) Represent the Secretary-General and the Deputy Secretary-General on overall rule of law issues with Member States, donors, and other stakeholders.

2. **Senior Rule of Law Officer (P-5):**

   (a) Act as the Deputy and assist the Director in the development of the work of the Rule of Law Unit, and the creation of conditions for implementing that direction;

   (b) Assist in the development of overall strategies for the United Nations in rule of law and related areas, and facilitate contact between United Nations rule of law entities and Member States, regional and intergovernmental organizations, donors and non-governmental organizations for the purpose of developing partnerships;

   (c) Support the promotion of the rule of law in international relations;

   (d) Act as a substantive resource for the Peacebuilding Commission and Peacebuilding Support Office on rule of law issues;

   (e) Assist with resource mobilization efforts and liaise with donors;

   (f) Represent the Unit at inter-agency meetings as well as international, regional or national meetings.

3. **Rule of Law Officer (P-4):**

(a) Support the implementation of a strategy on developing effective partnerships with external entities, including Member States, rule of law assistance providers, intergovernmental, regional and non-governmental organizations;

(b) Liaise with partners in the rule of law area, and organize and facilitate round tables and seminars between the United Nations system and external partners, including developing agendas, acting as rapporteur and writing reports;

(c) Facilitate contact between United Nations entities involved in rule of law programming and Member States, regional and intergovernmental organizations, donors and non-governmental organizations to tap into their expertise, including through support to the development of rosters, and to encourage them to apply United Nations standards and rights-sensitive approaches;

(d) Oversee the management of rule of law web resources;

(e) Maintain a clearing house of information about who in the United Nations system provides what rule of law assistance as an information resource for those inside and outside the United Nations system;

(f) Support the promotion of rule of law in international relations;

(g) Assist in the provision of guidance and direction of the United Nations system in the field of rule of law, including facilitating input into the development of guidance materials and papers;

(h) Assist with developing procedures and systems for ensuring that the United Nations system responds, effectively and coherently, to requests from States for assistance, in close collaboration with United Nations entities.

4. **Rule of Law Officer (P-4):**

(a) Ensure effective coordination of United Nations system entities at the working level in support of the Rule of Law Coordination and Resource Group, including through convening meetings, drafting agendas and meeting notes, keeping abreast of emerging rule of law issues needing coordination, and developing a joint United Nations workplan;

(b) Develop talking points, input into speeches and notes for the Deputy Secretary-General, and provide input on rule of law issues, reports and materials developed within the United Nations system;

(c) Provide direction to the United Nations system in the field of the rule of law through the preparation of guidance and policy papers, lessons learned and best practices in conjunction with relevant lead entities;

(d) Prepare reports for presentation to intergovernmental bodies as appropriate;

(e) Conduct analysis of United Nations system engagement in the rule of law to identify priority gaps in capacity for the purposes of recommending increasing capacity, and assisting in the development of United Nations capacity on rule of law issues;

(f) Assist in the development of overall strategies for the United Nations in rule of law, including the promotion of the rule of law in international relations.

5. Rule of Law Officer (P-3):

(a) Assist in the implementation of coordination efforts, including calling meetings, drafting agendas and taking meeting notes;

(b) Assist in the provision of guidance and direction of the United Nations system in the field of the rule of law, including facilitating input into the development of guidance materials and papers;

(c) Convene United Nations rule of law actors to ensure that the system responds effectively and in a coordinated fashion to requests for assistance in constitution-making or reform processes;

(d) Assist in the preparation of reports, undertake research on lessons learned and best practices, and maintain a repository of United Nations-system rule of law materials;

(e) Manage the rule of law web resources;

(f) Maintain a clearing house of information about who in the United Nations system provides what rule of law assistance as an information resource for those inside and outside the United Nations system;

(g) Liaise with other United Nations departments, agencies, funds and programmes involved in rule of law programming, Member States, regional and intergovernmental organizations, and non-governmental organizations on coordination and policy matters.

6. Personal Assistant to the Director (General Service (Other level)):

(a) Provide support in managing priorities and workflow of the Director and of the Unit;

(b) Coordinate and monitor multiple and diverse activities and work processes to ensure that management directives and decisions are properly carried out and products delivered in a timely manner;

(c) Serve as first point of contact and liaison with senior officials internally and externally;

(d) Screen and prioritize all incoming correspondence;

(e) Compile relevant background documents and references, identify issues requiring the Director's attention and refer others to the relevant officer for appropriate disposition; and monitor and follow up on actions to be taken;

(f) Scan reports from specialized agencies, as well as newspapers, magazines and other periodicals and other information sources to identify articles of interest to the Director; independently handle a wide range of complex information requests and inquiries (e.g., answer requests requiring file or other research);

(g) Respond, or draft responses, to a diverse range of correspondence and other communications; support the Director in presentations to intergovernmental

bodies and other meetings, preparing notes, slides and subject files, gathering relevant documentation, etc;

(h) Establish/improve administrative procedures and systems to ensure the smooth functioning of the Unit, including filing (paper and electronic) systems; oversee the work of the office support staff;

(i) Establish priorities and deadlines, assign work and review outputs upon completion; and train office support staff in administrative, protocol and other relevant procedures.

7. Administrative Assistant (General Service (Other level)):

(a) Prepare, process and follow up on administrative arrangements and forms related to the official travel of staff;

(b) Draft routine correspondence;

(c) Maintain files of rules, regulations, administrative instructions and other related documentation;

(d) Perform other related administrative duties, as required, e.g., operational travel programme, monitoring accounts and payment to vendors and individual contractors for services, physical space planning and the identification of office technology needs and maintenance of equipment, software and systems, and organize and coordinate administrative arrangements for seminars, conferences and translations.